

In Legislative Session

The President called the Senate to order as In Legislative Session at 5:27 o'clock p.m. today.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 11, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 52, Relating to the creation, establishment, administration, powers, duties, and bond authority of the Texas Harbor and Terminal Commission; adding Chapter 12 to the Water Code; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 52, To Committee on Finance.

(President Pro Tempore in Chair)

At Ease

The President Pro Tempore announced at 5:30 o'clock p.m. the Senate would Stand at Ease Subject to Call of the Chair.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 5:35 o'clock p.m. today.

Reports of Standing Committees

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

S. B. No. 55

By unanimous consent, Senator Moore submitted the following report for the Committee on State Affairs:

S. B. No. 54

Recess

On motion of Senator Aikin the Senate at 5:37 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

SEVENTH DAY

(Continued)

(Thursday, October 12, 1972)

After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Leaves of Absence

Senator Blanchard was granted leave of absence for today on account of illness on motion of Senator Hightower.

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Hightower.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Brooks.

Reports of Standing Committees

By unanimous consent, Senator Aikin submitted the following reports for the Committee on Finance:

H. B. No. 75

H. B. No. 52 (amended)

By unanimous consent, Senator Creighton submitted the following report for the Committee on Natural Resources:

S. B. No. 52 (amended)

House Bill 75 Ordered Not Printed

On motion of Senator Bridges and by unanimous consent, H. B. No. 75 was ordered not printed.

**Senate Concurrent Resolution 16
On First Reading**

The following resolution was introduced, read first time and referred to the Committee indicated:

S. C. R. No. 16, Granting Robert E. McKee, Inc. permission to sue the State of Texas.

To Committee on Jurisprudence.

House Bill 75 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment S. B. 48 and under the provisions of Senate Rule 67 and Joint Rule 14, the following was substituted:

H. B. No. 75, A bill to be entitled "An Act making appropriations to Texas A & I University; providing for severability; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Votes

Senators Moore and Herring asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 75 on Third Reading

Senator Bridges moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Connally	Tippen
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word

Nays—4

Creighton	Mauzy
Herring	Moore

Absent—Excused

Blanchard	Kennard
Grover	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Connally	Tippen
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word

Nays—4

Creighton	Mauzy
Herring	Moore

Absent—Excused

Blanchard	Kennard
Grover	

Senate Bill 38 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 38, A bill to be entitled "An Act relating to a cooperative purchasing service through the State Board of Control for counties, home-rule cities, cities, villages, and towns organized under general law, special districts, school districts, junior college districts, and other legally constituted political subdivisions of the state or combinations of these; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Hall and Connally asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 38 on Third Reading

Senator Mauzy moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Creighton	Sherman
Harrington	Snelson
Harris	Tippen
Herring	Wallace
Hightower	Watson
Jordan	Wilson

Nays—4

Aikin	Hall
Connally	Word

Absent—Excused

Blanchard	Kennard
Grover	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23

Bates	Mauzy
Beckworth	McKool
Bernal	Moore
Bridges	Patman
Christie	Schwartz
Creighton	Sherman
Harrington	Snelson
Harris	Tippen
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kothmann	

Nays—5

Aikin	Hall
Brooks	Word
Connally	

Absent—Excused

Blanchard	Kennard
Grover	

Senate Bill 40 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 40, A bill to be entitled "An Act relating to the authority of Texas State Technical Institute to grant bachelor of technical education degrees; etc., and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend Senate Bill 40, Section 1 by adding at the end of Subsection (b) the following:

"No such training programs shall ever be developed or offered in the academic field of education, and nothing herein shall be construed to authorize the conduct of training programs in the academic field of education."

The amendment was read and was adopted.

Record of Votes

Senators Creighton, Moore, Tippen, Mauzy, Herring and Aikin asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Watson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended

The bill as amended was passed to engrossment by the following vote:

Yeas—19

Bates	Jordan
Beckworth	Kothmann
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Wallace
Connally	Watson
Hall	Wilson
Harrington	Word
Hightower	

Nays—9

Aikin	Moore
Creighton	Sherman
Harris	Snelson
Herring	Tippen
Mauzy	

Absent—Excused

Blanchard	Kennard
Grover	

Senate Bill 55 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 55, A bill to be entitled "An Act appropriating funds to the

Department of Public Welfare for establishing, operating and administering a medical program under the Texas Medical Assistance Act of 1967; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 55 on Third Reading

Senator Patman moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Blanchard	Kennard
Grover	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Blanchard	Kennard
Grover	

Senate Bill 54 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act relating to the methods of treatment of certain diseases in certain animals; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 54 on Third Reading

Senator Connally moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Hall	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Blanchard	Kennard
Grover	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Report of Standing Committee

By unanimous consent, Senator Schwartz submitted the following report for the Committee on Human Resources:

H. C. R. No. 9

Message From the House

Hall of the House of Representatives,
Austin, Texas,
October 12, 1972

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 32, Making an appropriation to the Governor for emergency use in accordance with S. B. No. 27, Acts of the 62nd Legislature, 4th Called Session, 1972; and declaring an emergency:

Respectfully submitted,
DOROTHY HALLMAN,

Chief Clerk, House of Representatives

**House Concurrent Resolution 25
On Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 25, Commending The Honorable Rayford Price for his service to the State.

The resolution was read.

On motion of Senator Wilson, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 9
On Second Reading**

On motion of Senator Bridges and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 9, That the Legislature of Texas memorialize the Congress of the United States to give immediate consideration to the problem of drug addiction of veterans and to allow these veterans to use the services and facilities of the Veterans' Administration in their fight against drugs.

The resolution was read.

On motion of Senator Bridges and by unanimous consent, the resolution was considered immediately and was adopted.

Recess

On motion of Senator Aikin the Senate at 10:45 o'clock a.m. took recess until 11:15 o'clock a.m. today.

After Recess

The President called the Senate to order at 11:15 o'clock a.m. today.

**Senator Grover Present In
Senate Chamber**

Senator Grover was announced present in the Senate Chamber.

Reason for Vote

I was unable to be present during the first 45 minutes of today's session due to foggy weather at the Austin Airport. No planes were able to land and thus was I delayed. Had I been present I would have voted "Yea" on S. B. 48, S. B. 38, S. B. 40, S. B. 55 and S. B. 54.

Henry C. Grover

Reports of Standing Committee

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

C. S. H. C. R. No. 6 (Read first time)

H. B. No. 77

H. C. R. No. 15

H. C. R. No. 16

S. C. R. No. 16

Notice of Executive Session

Senator Christie gave notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

Senate Bill 40 On Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin
Bates

Beckworth
Bernal

Brooks	McKool
Christie	Patman
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Hightower	Watson
Jordan	Word
Kothmann	

Nays—5

Creighton	Mauzy
Harris	Tippen
Herring	

Absent

Bridges	Wilson
Moore	

Absent—Excused

Blanchard	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

S. B. No. 40, A bill to be entitled "An Act relating to the authority of Texas State Technical Institute to grant bachelor of technical education degrees; etc. and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Herring, Sherman, Aikin, Creighton, Snelson, Mauzy and Tippen asked to be recorded as voting "Nay" on the final passage of the bill.

Committee Substitute House - Concurrent Resolution 6 Ordered Not Printed

On motion of Senator Bridges and by unanimous consent C. S. H. C. R. No. 6 was ordered not printed.

Committee Substitute House Concurrent Resolution 6 on Second Reading

Senator Bridges moved to suspend the regular order of business and take up C. S. H. C. R. No. 6 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Bates
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Beckworth	Hightower
Bernal	Kothmann
Bridges	Moore
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Creighton	Tippen
Grover	Wallace
Hall	Watson
Harrington	Wilson
Harris	Word

Nays—5

Herring	McKool
Jordan	Patman
Mauzy	

Absent—Excused

Blanchard	Kennard
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The President laid before the Senate:

C. S. H. C. R. No. 6, Granting permission to the city of Corpus Christi to sue the State of Texas and the General Land Office.

The resolution was read.

On motion of Senator Bridges and by unanimous consent, the resolution was considered immediately and was adopted.

Record of Votes

Senators Herring, Patman, Mauzy and Aikin asked to be recorded as voting "Nay" on the adoption of the resolution.

Senate Concurrent Resolution 16 Ordered Not Printed

On motion of Senator Harris and by unanimous consent S. C. R. No. 16 was ordered not printed.

Senate Concurrent Resolution 16 On Second Reading

The President laid before the Senate the following resolution:

S. C. R. No. 16, Granting Robert E. McKee, Inc. permission to sue the State.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 15
Ordered Not Printed**

On motion of Senator Creighton and by unanimous consent, H. C. R. No. 15 was ordered not printed.

**House Concurrent Resolution 16
Ordered Not Printed**

On motion of Senator Creighton and by unanimous consent, H. C. R. No. 16 was ordered not printed.

**House Concurrent Resolution 15
On Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 15, Granting permission to Joe Henry Wilson to sue the State of Texas and the State Highway Department.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 16
On Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 16, Requesting permission for Louise O. Hammett, individually and as Administratrix of the Estate of Penn B. Hammett, deceased, to sue the State of Texas and the State Commission for the Blind.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

Memorial Resolutions

S. R. No. 114—By Senator Watson: Memorial resolution for Captain John C. Kozuch.

S. R. No. 115—By Senator Watson: Memorial resolution for Mrs. R. W. Lane.

S. R. No. 116—By Senator Watson: Memorial resolution for Robert H. Grow.

S. R. No. 117—By Senator Watson: Memorial resolution for Mrs. Charlie (Blanche) Coker.

S. R. No. 120—By Senator Snelson: Memorial resolution for Mrs. J. F. Hightower.

S. R. No. 121—By Senator Snelson: Memorial resolution for R. E. Mims.

S. R. No. 122—By Senator Snelson: Memorial resolution for W. F. Bennett.

S. R. No. 123—By Senator Snelson: Memorial resolution for O. L. "Pop" Miller.

S. R. No. 124—By Senator Snelson: Memorial resolution for Dana M. Secor.

**Welcome and Congratulatory
Resolutions**

S. R. No. 113—By Senators Christie and Wilson: Commending William J. Collins for his service to the citizens of Texas.

S. R. No. 118—By Senator Watson: Extending best wishes to W. E. (Red) Weathers on the occasion of his retirement.

S. R. No. 119—By Senators Word, Creighton and Hall: Extending best wishes to Representative J. E. Ward for a speedy recovery.

Recess

On motion of Senator Aikin, the Senate at 11:30 o'clock a.m. took recess until 10:45 o'clock a.m. tomorrow.

In Memory of
W. O. (Dick) Johnson

Senator Moore offered the following resolution:

(Senate Resolution 112)

Whereas, The people of Navasota and Grimes County are deeply saddened by the untimely death of a notable Texas law enforcement officer and one of their most outstanding citizens, W. O. (Dick) Johnson, at the age of 62 on Friday, September 29, 1972; and

Whereas, For most of the last 20 years of his life he served as sheriff of Grimes County and his tenure was remarkable not only for the distinction with which he served but also for the compassion he showed to those under his jurisdiction; and

Whereas, Sheriff Johnson initiated his long career of public service in 1941, when he began his four-year tenure as a county employee under Commissioner W. I. Stoneham. From 1945 to 1948 he was County Commissioner of Precinct No. 2, elected from Whitehall; he served in this office both conscientiously and productively; and

Whereas, Later, he and a partner operated a neighborhood grocery store for four successful years, but his determination to serve the public soon overcame his ambition as a local businessman. In 1952 he campaigned with immense success for the office of Grimes County Sheriff, and on January 1, 1953, following his election, he and his wife moved into the special quarters adjacent to the sheriff's office, an address he was to maintain until his death; and

Whereas, His term as sheriff was continuous until 1969 when he became chief deputy, a post he filled until April of 1972; at that time he was appointed sheriff for the unexpired term of Sheriff Ike Mize. He was a popular and strong politician as well as lawmaker and consistently won over his opponents; in his most recent race he won the Democratic nomination for another four-year term by a wide margin and would have been unopposed in the November 1972 general election; and

Whereas, He gave more than the services of his office: he was also an active worker in the community and was a participating member of the H. L. Stewart Lodge No. 98, I.O.O.F., of Navasota; in addition he regularly attended and supported the Union Grove Baptist Church; and

Whereas, As sheriff, Mr. Johnson did much to help the people in his county and rendered services that were far beyond the obligations of his office. He contributed valuable time and energy in helping young people cope with their problems, and the dignity with which he served, as well as the understanding and insight into human nature that he so wisely used, will long be remembered by all who knew him; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature, 4th Called Session, honor the memory of W. O. (Dick) Johnson and extend sympathy to the members of his family: his wife, Frances Johnson; one foster son, Charles Page of Waller; three sisters, Mrs. Olga Carter of Overton, Mrs. Katherine Harrington of Navasota, and Mrs. Edna Wood of Houston; one brother, Joe Mitchell of Livingston; and three grandchildren; and, be it further

Resolved, That official copies of this Resolution be prepared for the members of his family, and that when the Senate of the State of Texas adjourns this day it do so in memory of a superior Texan and outstanding law enforcement officer, W. O. (Dick) Johnson.

The resolution was read and was adopted by a rising vote of the Senate.

SEVENTH DAY

(Continued)

(Friday, October 13, 1972)

After Recess

The Senate met at 10:45 o'clock a.m. and was called to order by Senator Aikin.

Reverend Ralph Smith, Pastor of Hyde Park Baptist Church of Austin, offered the invocation as follows:

"Our Precious Heavenly Father, thank you for life, liberty and the pursuit of happiness. How richly you have blessed us as Americans. At the beginning of this Senate session we humbly pause to pray for Thy guidance, being human we are prone to make mistakes in judgment. We ask for your omniscient leadership. Every Senator present desires to do the greatest good for the greatest number of people. Help each of them to attain that goal and thus glorify God. In Jesus name we pray. Amen."

Leave of Absence

Senator Bernal was granted leave of absence for today on account of important business on motion of Senator Bridges.

House Simple Resolution 63

The Secretary of the Senate has returned S. B. No. 32 in accordance with the following resolution:

Whereas, Senate Bill 32 has passed the House and is in the Senate Enrolling Room, and

Whereas, the House desires to adopt corrective amendments thereto and has reconsidered the vote by which Senate Bill 32 was finally passed, now, therefore, be it

Resolved by the House of Representatives, That the Secretary of the Senate be and he is hereby requested to return Senate Bill 32 to the House for further consideration.

Message From the Governor

The following message from the Governor was read and filed with the Secretary of the Senate:

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the

State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature, the following subjects:

(1) To change the name of the Beaumont State Center of Human Development to the Will L. Smith Memorial Center for Human Development.

(2) To assess penalties for certain heinous crimes.

In Testimony Whereof, I have hereto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 12th day of October, A. D., 1972.

PRESTON SMITH,
Governor of Texas.

(SEAL)

Attest:

BOB BULLOCK,
Secretary of State.

Message From the House

Hall of the House of Representatives
Austin, Texas,
October 13, 1972.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 20, Relating to the exemption from registration applicable to certain farm trailers and semitrailers; . . . ; and declaring an emergency.

S. B. No. 21, Relating to brake and lighting equipment requirements on certain trailers, semitrailers, farm tractors, self-propelled units farm equipment, motor vehicles, and implements of husbandry; . . . ; and declaring an emergency. (With Amendments).

H. B. No. 12, Relating to the composition of state representative districts 32 and 42; and declaring an emergency.

S. C. R. No. 14, Providing that the moratorium as described in S. B. 20, 61st Legislative Session, on sale or lease of State-owned submerged lands and islands be effective until May 31, 1973, etc.